

REMARKS

Upon entry of this amendment, claims 10-12, 15, 19-24, and 35 are currently pending in this application. Claims 1-9, 13, 14, and 16-18 were previously canceled, and claims 25-34 are canceled herein, all without prejudice or disclaimer. Claim 10 is amended and new claim 34 is added. Support for the amendment to claim 10 is found throughout the specification, e.g., in original claim 10 and on page 7, lines 12-15. Support for new claim 34 can be found throughout the specification, e.g., in original claim 13 and on page 7, lines 29-32. Thus, no new matter has been added.

EXAMINER'S INTERVIEW

Applicant thanks Examiner Kam for discussing this application with Applicant's representative via telephone on June 24, 2009. Applicant believes this Response accurately presents the amendments and arguments discussed during the interview.

During the interview, Examiner Kam and the undersigned discussed the rejection set forth in the Office Action mailed May 6, 2009, and Applicant's proposed amendments to the claims. The undersigned noted that the prosecution history for this application indicates that it is not necessary to recite the fractional concentration of the alkali metal or the alkaline earth metal salt in claim 10. For example, page 8, lines 14-16 of the specification state that "[a] key role is played in this [invention] by the concentration of glycine, to which this invention also relates," and page 14, lines 24-31 state that "the vWF:Ag/vWF:RCoF ratio resulting in the precipitation depended ... primarily on the glycine concentration." Moreover, as explained in the Response filed July 14, 2008, one of the inventive features of this application is the unexpected discovery that the concentration of amino acid used in the fractional precipitation affects

whether the resulting concentrate exhibits a vWF:RCoF/WF:Ag ratio greater than 1.

Since independent claim 10 recites these inventive aspects of the invention, Applicant submits that the currently pending claims are fully supported and enabled by the specification, and are patentable over the prior art.

However, if the Office believes that additional issues need to be addressed, Applicant respectfully requests that the Office call the undersigned representative to discuss what more may be needed to place the application in condition for allowance.

WITHDRAWN OBJECTIONS AND REJECTIONS

Applicant acknowledges with appreciation that the Office has withdrawn the following objections and rejections:

- The objection to claim 13 regarding the units for the amino acid concentrations recited therein;
- The rejection of claims 10-13, 15, and 19-24 under 35 U.S.C. § 112, ¶ 1 as allegedly lacking enablement; and
- The rejection of claim 13 under 35 U.S.C. § 112, ¶ 1 as allegedly containing new matter.

(Office Action at Items 2-4, p. 2.)

REJECTION UNDER 35 U.S.C. § 112 - NEW MATTER

Claims 10-12, 15, and 19-24 are rejected under 35 U.S.C. § 112, ¶ 1 as allegedly containing new matter. (Office Action at Item 5, pp. 2-5.) Specifically, the Office contends that the specification does not provide adequate support for the phrase "the fractional concentration of the alkali metal or the alkaline earth metal salt is from about

100 to about 160 g/l" in claim 10, from which claims 12, 15, and 19-24 depend. (Office Action at p. 5; emphasis in original.) Applicant respectfully traverses.

Without acquiescing to the rejection, and solely to facilitate prosecution, claim 10 is amended to remove the allegedly objectionable phrase "and the fractional concentration of the alkali metal or the alkaline earth metal salt is from about 100 to about 160 g/l," thus rendering this rejection moot. Applicant also notes that new claim 35 recites the language from original claim 13 (*i.e.*, "the fractional concentration of the alkali metal or the alkaline earth metal salt is from 100 to 160 g/l"), which the Office acknowledges is fully supported by the specification. (See, *e.g.*, Office Action at p. 3; "the specification indicates ... the fractional concentration of the alkali metal or the alkaline earth metal salt is from 100 to 160 g/l (original claim 13)") Thus, the currently amended claims do not recite new matter.

For at least these reasons, Applicant respectfully requests that the Office withdraw the rejection under 35 U.S.C. § 112, ¶ 1.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration of this application and timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account No. 06-0916.

Respectfully submitted,

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